NO RADICALISM FOR SPOONER.

TELLS WISCONSIN ADMIRERS HE'S A REACTIONARY

In These Days of Overspeed and Passion in Reforming the Country-He Would Go slow in Reorganizing the Business of 80,000,000 People-Cheers for Him.

Senator John C. Spooner was the guest of the Wisconsin Society last night at a dinner at the Waldorf-Astoria, which was planned to show the Senator just what the Badger boys in New York think of him. If he had any doubt that his course in resigning from the United States Senate because of the exocnse it entailed and thereby precipitating a political combat in his State had lost him any friends here it must have been dispelled. There wasn't any lung power that wasn't used in showing Senator Spooner that he couldn't give up the place he holds in the affections of the Wisconsin men at the din-

All through the dinner there was one cheer after another for the Senator, and it made him start his speech in a husky voice. In his speech Senator Spooner reviewed his career in the Senate, defended that body against its maligners and inveighed against the radical who runs forward too rapidly. As compared with such, he said, he was a reactionary. Same of his fellow Senators heard his

speech and seemed to approve of it. Seated with Henry C. Davis, the toastmaster, at the head table, besides the guest of the evening, were Senators Briggs and Carter, Leslie M. Shaw, Sir Thomas Shaughnessy, John R. Van Wormer, Prof. Frederick Turner, Gen. Fred Grant, Frederick D. Inderwood, Charles Allis and John S. George. Senator Penrose of Pennsylvania George. Senator Penrose of Pennsylvania was among the guests at the other tables. There were almost 300 of the Badger boys present. As one of the speakers remarked, all of the boys seemed to be old and all of the girls in the galleries seemed to be young, but the old men could yell as good as the youngest Badger in the

Before President Davis introduced Senator Spooner the Wisconsin men had a chance to show how warmly they felt toward another one of their famous men, Edward Solomon, the only living war Governor. He sent over a cable despatch from Frank-

fort, Germany, where he is passing his old nge, in which he said:

"Hearty thanks for your felicitations. I join in sentiments of great affection for our noble State of Wisconsin and its people, and wish them health and happiness and wish them health and happiness.

Ex-Gov. Solomon got a great cheer.

Secretary Straus sent a letter in which he called Senator Spooner "one of the most distinguished Senators of this generation."

"Incidents connected with this meeting." and President Davis, "make it rather more than the usual gathering. It is for us to claim friendship with one who in all walks of life has been known to us as a

walks of life has been known to us as a delightful neighbor, a genius and a statesman in every sense of the word."

Senator Spooner provoked a laugh at the outset, when he declared that he loved Wisconsin and loved its people "with some ex-

He challenged comparison of Wisconwith any other State in the Union respect to the public and private morality of her people, the integrity of her executive and legislative officials and purity and independence of her judiciary. he obedience to law and the maintenance

the obedience to law and the maintenance of order and the inviolability of her State and municipal obligations.

The Senator talked about the United States Senate. He considered that it had fulfilled its mission to be the conservative body; to stand between the first and second thought of the people. It had been subjected to much reproach upon the theory that having made been a part of the appointing power with the a part of the appointing power with the President its members practically have usurped the function of nomination. So far as his experience went the charge was unjust. He declared that the Senate had not abused its power to amend treaties and said there would be, perhaps, less debate in the House of Representatives.

We are in the midst of an epoch making period, and such a period is naturally a period of unrest. Fundamentally speaking, it did not ome too soon, and it has not lasted too long. may be said truthfully to have had its origin the local disclosures of intolerable evils which everywhere shocked the public conscience. Frequent allusion is made in the public press and in the speech of people to the revalence of very general public suspicion as to the integrity of corporate methods and That it exists is undoubtedly That it is attributable mainly to agitathink is not true. The discovery of evis and wrong methods which had not been suspected begets suspicion that evil methods exist where they may not exist, and that there may be still many undisclosed violations of lav nd many concealed practices unjust and detrimental to the public interest.

The people, without doubt, demand a greater measure of publicity in the details of orporate management and a larger exercise supervisory powers to prevent illegal and ishonest administration and corporate inustices to the public. There is a determined nd widespread demand for reform wherever reform is needed. The people demand that he obligations of trusteeship, public and corcorate shall be religiously observed and it olated shall be adequately punished. demand that railway rebates and other unmanently cease. This is a just demand, and to accomplish their discontinuance is necessary only the strict enforcement of laws already

But the noisy activity of the demagogue must be distinguished from the work of the real reformer, even where he is too radical and goes too far afield. During the last five years more has been accomplished on lines of important reform in the general public interest than one looking forward could have onceived to be possible. We have moved with great efficiency and rapidity. But the sanity and reasonableness of the American reople must not be underestimated. They ant justice, not vengeance. They realize the large dependence of our prosperity upon e great transportation corporations, and the latter must realize that they are dependent pon the people for their existence as well as their prosperity. The people will remember that no real public interest ever requires inustice to law observing private or quasiublic interests. They will distinguish between men who give the best thought and effort which is in them to the work of reform for reform's sake and the demagogues who give the utmost of their thought and energy working reform for their own sakes.

It is a time in which patriotic and thought ful men may well beware lest they forget that while all reform involves change all change does not involve reform. One thing which experience in public life has taught me is in the public service there is no safe place for passion, prejudice or overspeed t is not always easy to diagnose correctly an The safe eradication of evils which have long continued and which permeate the great and complicated business of the people requires much of time and of patience and of

lt often happens that a much needed re form fails because between those who will not go forward at all and those who insist upon going forward too swiftly and too far there is left no power of accomplishment in those wise reformers who wish to move forward to a plain line of safety and wait for further development. To criticise such as reactionaries is, in these days, fashionable and obviously unjust. There are reac-Who are they? They are the men who are blinded to everything but the past and look upon methods and practices as sanctified by age, even though evil in them selves, and continually throw themselves across the pathway of progress, and who if they had the power, would undo what has been wisely and well done, simply because is a new order of things. They are "back

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clearly perceive the evil, patiently toil to discover the remedy and work steadily and deliberately forward to what they can see s the line of safety, stubbornly refusing. lowever, to follow the honest radical who n seven league boots presses forward quickly out of their sight. It often happens that the radical is absolutely the reactionary. It takes time and patience to reorganize the business methods of eighty millions of people. It does not follow because it is done with patience and deliberateness that it is not being wisely or well done

Mr. Spooner then read from a speech of Edmund Burke, delivered 127 years ago, in which it was urged that reform should be temperate to be in the interest of public

These words of truth and soberness, when hey were uttered, are words of wisdom o-day. I am speaking not of men but of rinciples. Men come and go. Principles abide. I yield to no man in my loyalty to the spirit of real reform. There is no evil injurious to the people within the Federa! or State jurisdiction which it is not my earnest wish to see corrected. But I refuse to be stampeded into a departure from vital fundamental principles of government embodied in the Constitution of our country. This, in ny judgment, is one of the dangers which to-day confront this people. For its utterance, if noticed at all, I expect to be called a

reactionary. In my view almost any evil can be better orne than the infliction of a grievous wound pon our constitutional system of government, which is dual in its character, combining the sovereignty of the Federal and separately of the State governments. Through a hundred years, during which we have grown up a nation of over 80,000,000 millions of and the richest, and perhaps, all in all, the nost powerful, in the world, the Constitution has been adequate, both in time of peace and n time of war

I am an optimist-a general believer in en and women. I think the world is grow ng better, not worse. It is my conviction that ever in our history has the standard of honor mong the public generally and among the men of the country generally higher than it is to-day. There is always a edtime and generally, not always, a harvest No ship can sail forever under summer skies We will have our and on summer seas. periods of agitation and distrust, to be folowed by periods of prosperity and of condence. We will be confronted with dangers and conquer them. We will grapple problems and solve them. I have a supreme and abiding faith in the sober and second thought of the people, their wisdom and justice, their honesty of purpose and their loyalty to the fundamental principles of their government.

After the racket that the Wisconsin mer After the racket that the wisconsin men made after Senator Spooner closed his speech had died away. Sir Thomas O'Shaughnessy, once a Badger boy and now a naturalized Canadian and president of the Canadian Pacific Railroad, was introduced. Sir Thomas said that he had never forgotten the days of his youth in Wisconsin and raid a tribute to the State which he Sir Thomas said that he had never for-gotten the days of his youth in Wisconsin and paid a tribute to the State which he had left twenty-four years ago. "The example I set twenty-four years ago," he said, "is now being followed by

others. This movement of sons from their native States once stopped at the boundary frontier there was hesitation, for every American, I believe, feels that he should be a citizen of the land where he earns his

read and butter. bread and butter.

"But there is no longer this hesitation.
During the last few years they have been coming into Canada by the hundreds of thousands. I have no doubt that in future generations this same movement will con-tinue until that great territory is covered with the Anglo-Saxon race."

Sir Thomas said that Canada had one improvement on our own institutions. That was the life tenure of its Senators. He thought that this would have kept Senator Spooner in the Senate.

"Come over to the Canadian Northwest." he said in closing. "I promise you the best of treatment and no discrimination in railrates. We haven't known such ods in Canada, and now that we've

seen what has happened here we shall be extremely careful to avoid them." Senator Carter of Montana tried to get back at Sir Thomas a bit when his turn

came
"I cannot forego, in these days of 'mysterious conspiracies.' " he said, "to suggest
to Sir Thomas that we have been sending
these Wisconsin boys and Montana boys and Dakota boys over the line with a view of bringing Canada back to us, and if anything is wrong with the railroads up there we can send Knapp up there to investigate it." Referring to Senator Spooner's resigna-tion, he said:

ion, he said:
"If between now and May 1 John Spooner ould withdraw that resignation, which he ould do with the unanimous consent of sin, I venture to say that there would not be a dry throat in the United States Senate. He left it not for his own sake, but be-He left it not for his own sake, but be-cause of a supreme appreciation of the duty toward his own family.

"He has been serious here, but lest you

get the impression that he was born in a period of great religious excitement permit me to say that Senator Spooner met every requirement in that composite body and on different occasions listened to Senator Jones recite the same poem eighty-four times. He constituted a great force and his place will not soon be filled." John R. Van Wormer and Leslie M. Shaw also spoke

The Weather.

The storms from the south Atlantic coast and Lake regions united and the centre was on the New England coast yesterday morning. The winds were brisk to high westerly on the middle from north to west on the coast of Maine. More snow fell in the Lake regions, upper Ohlo Valley, Pennsylvania, New York and New Eng-

and, and rain in eastern New York and souther A storm appearing central north of Montana

was spreading southward, causing generally cloudy and unsettled conditions throughout the North It was colder in the Lake regions and the upper

Ohlo Valley and freezing temperatures extended rom the Dakotas castward. In this city the day was cloudy, with occasional light showers and snow flurries; temperature change slight; wind, brisk to high westerly; average numidity, 78 per cent.; barometer, corrected read to sea level, at 8 A. M., 29.18; 5 P. M., 29.21.

The temperature yesterday as recorded by the official thermometer is shown in the annexed table; 1907. 1906. 1 .37° 46° 6 P. M..... 39° 57° 9 P. M..... 40° 59° 12 Mid.... 1907. ..37° ..36°

Lowest temperature, 34°, at 3:50 P. M. WASHINGTON FORECAST FOR TO-DAY AND TO-MORROV For eastern New York and eastern Pennsylvania oudy to day, with snow flurries in north portion and not quite so cold; fair and warmer to-morrow,

brisk northwest winds. For New England, fair in south and snow in north portion to-day; fair, and not so cold to-morrow tresh to brisk northwest winds. For New Jersey, Delaware and Maryland, partly loudy to-day and to-merrow, with slowly rising

emperature; fresh northwest winds. For the District of Columbia and Virginia, fair day and to-morrow, with slowly rising temrature; fresh northwest winds.

For western New York, snow flurries this morn ing, followed by fair and not so cold in the afteroon; fair and warmer to-morrow; diminishing Far different from these are the men who northwest winds.

TAFT DEFINES CUBAN POLICY.

APPROVED BY THE PRESIDENT -LETTER TO GOV. MAGOON.

Programme Includes Thorough Census Test Elections and Finally Choice of President-No Dates Set, but Evacuation Will Be at End of Next Year

Special Cable Despatch to THE SUN. HAVANA, April 10 .- Mr. Taft made the ollowing statement to-night in the form of a letter to Gov. Magoon:

"After having conferred with committees of the Liberal, Conservative and Republican parties and the leading men of the community, including lawyers, bankers, business men, representatives of the Chamber of Commerce and others, and after a full discussion of the situation with you, Gen. Barry and Consul-General Steinhart, I have made the following statement and recom mendation to the President:

"Having in view the circumstances making intervention necessary and the purpose of that intervention, the condition of Cuba and the attitude of its people under your administration are very satisfactory. The question now arising is, When shall the elections be held?

"The advisory law commission appointed o draft an electoral law, municipal law, judicial law and civil service law, composed of three Americans, four Liberals and four Conservatives, have declared to me that no fair election in Cuba can be held until after the taking of a census for the purpose of enumerating with exactness and justness the residents of each town, with the view to the verification of the registry upon which such elections are to take place, and this view has been enforced by the assurances of all the political parties. All the parties through their committees have expressed the view that the wisest course is to hold a preliminary election to test the electoral law and to test the tranquillity of the country.

"The Liberal party expresses the view that the census can be completed in four months, and that the provincial and municipal elections may, therefore, be held in September. The Conservative party does not express an opinion as to the time in which the census can be taken, but insists that it should be taken with great care and that the registration lists founded upon it should be subjected to severe and impartial udicial scrutiny.

"As it is proposed by the advisory comnittee that the preliminary election shall be held within a reasonable time after the completion of the census, the Liberal party, loping that the preliminary election may take place in September, recommend that the Presidential and Congressional elections be held on December 31 next and that the regular constitutional period shall elapse thereafter before the assembling of the electoral college to name Senators and the President the members of which are elected at a general election. By the Constitution these electoral colleges do not convene until one hundred days after a general election.

"The Liberal party suggests that the ne congress shall meet to receive the vote of the electors for president in time to ermit his inauguration on May 20, 1908, that date being the anniversary of the day the first president of the republic was inaugurated.

"The Conservative party insists that the preliminary election is in the nature of an experiment, and that three months is not a sufficient interval to determine whether the experiment has been a success, and it recommends that not less than six months should elapse between the preliminary the presidential and or gressional elections

"It is hardly necessary to reiterate that the position of President Roosevelt is exactly what it was when the first proclamation was issued establishing a provisional Government under the Platt amendment in this island, to wit:

"That Cuba must be turned over to a Cuban Government fairly elected as soon as the conditions and tranquillity of the country will permit and will assure the stability of the Government to be estab-

"I do not think that four months is sufficient time in which to take such a census as is necessary for holding an election. It would be most unwise, therefore, to fix a definite date for holding the preliminary election.

"All that can be done and all that ought to be done is to declare that the census will be taken in as short a time as is consistent with making the census thorough, fair and complete for electoral purposes and to announce that a preliminary election will be held within such a period thereafter as may afford reasonable time for complying with all the requirements of the

new electoral law preceding the elections "Municipal and provincial elections should be held at the same time. I have already expressed the opinion that the elections by which the present provincial authorities were put into power were attended with such irregularity that their resignations should be at the service of the Government.

"Three months may not be sufficient time in which to test the question of tranquillity and the success of the experimental preliminary election, and therefore our declaration should not be more limited than that the national election will be within six months after the preliminary election.

"The carrying out of this plan is, of course, strictly dependent upon the tranquillity of the country, which must continue through two elections and must give assurance of the stability of the new government, because without this the United States will not be discharging the obligation devolving upon it by reason of the intervention." Mr. Taft and his party had left on the

Mayflower for Porto Rico before his letter to Gov. Magoon was made public. President Roosevelt, according to a telegram received by Mr. Taft, approves the latter's statement, which does not bind the United States to an absolute programme, the course of events depending entirely upon the tranquillity of the country

While Mr. Taft mentions no dates it is the plan, providing that peace prevails, to hold the inauguration of the new President in the summer of 1908, and the evacuation of the island by the Americans will follow six months later.

CUBA AT THE HAGUE. Holland's Inquiry Considered a Compliment to the United States.

special Cable Despatch to THE SUN. HAVANA, April 10.-The Government of Holland cabled to-day to the Provisional Government here asking whether Cuba would send delegates to the Hague Confer ence and requesting information on the

subject as soon as possible. It has been thought here that Cuba would not be represented at the conference, as such represented at the conference, as such representation would give the United States an extra vote. Holland, however, would be unlikely to address Cuba on the subject unless she had the consent of the other Powers. The matter has been reterred to Washington. The action of the Netherlands is regarded as a distinct compliment to the United States. JAPANESE SHIP TRUST.

Private Owners and Run Many Lines. VICTORIA, B. C., April 10 .- The Nippon Kisen Kaisha is the name of the new shipping combine that has been formed in Japan with a capitalization of \$15,000,000 gold, one half of which was placed on the market. Before the sale was closed the ssue had been subscribed three times over, the number of shares applied for being 158,000, while only 60,000 were available Baron Shibusawa was the chairman of the promoting committee. From the prospectus it appears that about one hundred steamers, aggregating 200,000 tons, now wned by various people are to be bought up for immediate purposes and new vessels conforming to the stipulations of the shipbuilding and the bounty regulations will gradually be purchased or constructed. At the outset about eight new cargo steamers, with an average tonnage of 5,000 and a speed of twelve knots, will be purchased or built and with the completion of more new vessels the old ships will gradually be

superseded.

The principal object of the new company the principal object of the new company being cargo carrying the cost of ships is to be cheaper and the working expenses less than in the case of steamers intended for both cargo and passenger carrying. Despite this fact there is no difference in freight and the encouragement money between the two classes of steamers menioned, and therefore the company expects to obtain a comparatively larger return of

The company expects to succeed to the steamers are to be bought and so make a reasonable profit from the commencement of business. It is proposed to undertake the transportation of kerosene, lumber, flour, &c., from San Francisco, Puget Sound and Canada, phosphate rocks from the South seas, raw cotton from India, rice from Rangoon and Saigon, and sugar from Java. At first the following lines will be opened: Yokohama-San Francisco, Yoko-hama-Puget Sound, Kobe-Otaru, east and nama-ruget Sound, Robe-Otaru, east and west coast. Kobe-Corea. Yokohama-Formosa line, Kobe-Vladivostok line, Kobe-North China line, Kobe-Hongkong-line, Cheefoo-Vladivostok line, Hongkong-Saigon line, Kobe-Hawaii line, Kobe-Java line, Kobe-Ocean Island line, Kobe-Christmas Island line, Kobe-North America line. line, Tarien-Vladivostok line, Tarien-Hongkong line, Tarien-Singapore line, Kobe-Brazil line, the Tarien-Shanghai line.

Of the first call, amounting to \$7,500,000 gold, \$5,000,000 will be appropriated for the purchase of 200,000 tons of old ships and good will and \$2,500,000 for the purchase of new ships and building expenses. The annual receipts are estimated at \$4,008,900, the annual expenses are estimated. at \$2,973,137, leaving a balance of \$1,535,765 Of this balance \$630,000 is allowed for depreciation of ships, for repairing reserve and for insurance reserve. This will still leave a balance of \$905,275 for dividend bonus and a further reserve. The company expects to commence operations during the coming summer.

THE OTHER CHILDREN OF MARY. One of the Questions Put to the Lecturer or

the Virgin Birth of Christ. When the Rev. Dr. James Orr of Glasgow Scotland, had finished the second of his ten daily lectures on "The Virgin Birth of Christ' at the Fifth Avenue Presbyterian Church vesterday afternoon he stood back and invited questions. One of the challengers was a woman, who asked:

"If Christ was of divine origin, Dr. Orr, vere Mary's other children human?" The doctor caught his breath and suggested that she repeat the question, which she did, explaining that although she had been brought up under stern Baptist rule she could never get over feeling that it must have been very hard on the younger children of Joseph and Mary to know that they were not like the firstborn. "If Christ was divine." she concluded,

im the right to divinity too. "I can't deprive you of your right," replied Dr. Orr, turning soberly to the next in-

Another theologian asked whether Paul mean "the modern school who try to cut up the Gospel." Dr. Orr's manner indicated that it might be so. A third inquired if a man who doesn't preach divine birth can be a true Christian minister. Dr. Orr

replied that he couldn't discuss that.

"If we are not sons of God, what are we?" ventured another woman. "It will hardly do to launch into that liscussion," the speaker replied. In his first lecture Dr. Orr quoted Prof. George Burman Foster of the University of Chicago as having said in his book "The Finality of the Christian Religion" that rinally of the Christian Religion that the man who professed to believe in miracles could hardly be intellectually honest. If the professor were a disciple of Spinoza, Dr. Orr said, the sentiment would seem credible enough, but for a teacher in a Christian school it indicated at least a con-

siderable amount of self assurance.
Dr. Orr is president of the Glasgow College of the Free Church and a theologian of note. In 1903 he was a lecturer at Prince-ton. In 1906 he won the Bross prize of \$6,000 for "the best general defence of the Christian religion." The present lectures are given under the auspices of the Bible Teachers' Training School

OCEAN GROVE'S BARONESS

Says She Didn't Elope and That Her Mother Was Not Opposed to the Marriage.

ASBURY PARK, N. J., April 10.-Miss Louise F. Stradling, who was married on Saturday to Baron Gustavus von Palm, a Boston architect, in the law office of her cousin, Hugh Roberts of Philadelphia, returned to her home in Ocean Grove today and broke the news to her mother Mrs. Millie Stradling, who has a cottage

As the Baroness von Palm is the only Baroness up to date in Ocean Grove there was some curiosity this morning to hear more about her marriage. To the reporters she denied that she had eloped, and said the Baron accompanied her to Philadelphia from Newark at her request and that the

The Baron is twenty years the bride's senior. For three years she has been his cashier in Boston, whence she made occasional trips to her home in Ocean Grove. will rejoin the Baron in Boston in a

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Alphon Kisen Kalsha Proposes to Buy Out **OUT ALL NIGHT**

Continued from Second Page

half an hour was ordered in order that the court room might be aired. At 4:15 Justice FitzGerald began his charge. It lasted exactly an hour.

The charge had evidently been most carefully prepared and Justice FitzGerald read every word of it clearly and slowly from a typewritten copy.

Justice FitzGerald hit straight from the shoulder at the so-called "unwritten law." though without naming it. He said that the defense was insanity, and that it was for the jury to decide whether Thaw was insane when he did the undisputed killing. After defining the four degrees of criminal homicide the Court described the law of this State on the kind of insanity that excuses a man for homicide-the insanity that makes him suffer from such a defect of reason as not to know the nature and quality of his act or that it was wrong. He brushed away at a breath the effect

of the many efforts to impress on the jury the blackness of Stanford White's character and said that the character of the victim had no bearing upon the issue. "A personal avenger of a public or a prviate wrong," he said, "is not recognized by law, and under a government such as ours no other rule is a safe one."

Justice FitzGerald also hit hard at a ontention of Mr. Delmas by charging that it was not the duty of the prosecutor to show that the defendant was sane when the killing occurred. The law, he said, assumed that every man was sane until he was shown to be insane. He further instructed the jurymen that they were not bound to accept the opinions of experts save in conjunction with other testimony. He spent some time in emphasizing the fact that the jury was required to hold a man guilty beyond a reasonable doubt and only that, in order to find a verdict against him.

"The jury may now retire," said Justice FitzGerald, as he concluded his reading. Immediately the twelve men rose and filed out down the aisle and into the jury room Thaw waited, as usual, until they had gone, then rose, picked up his overcoat, tossed it over his arm and stalked out through the little door to the prison pen, followed closely by the prison keeper. He did not appear to see his wife or his mother, though he passed near enough to have touched

insanity the One Defence

Justice FitzGerald started off by saving it was his duty to charge on the law and that the jury was the final judge of the facts. He referred to the care with which the jury had been selected and said that he was particularly gratified that the jury was selected after the examination of 337 tales-

men and before the peremptory challenges on either side had been exhausted. "Let me impress upon you the issue you are to decide," said the Judge. "The life of a citizen, it is charged, has been taken by the defendant and the defendant is here to answer to that charge. You must absolutely take the law from the court. Of the facts you are the sole judges. A defendant is assumed to be innocent until the contrary

Justice FitzGerald then defined the four degrees of criminal homicide—murder in the first and second degrees and manslaughter in the first and second degrees—and justifiable and excusable homicide. "The defence here," he said, "is that the defendant was insane at the time, and the law applicable to the defence of insanity contribed in sections 20 and 21 of the is contained in sections 20 and 21 of the Penal Code."

He read the two sections; the first referred to the commission of a crime by an idiot, an imbecile or a person in a state of lunacy. The language, the Judge said, was very The language, the Judge said, was very broad and would appear to cover all cases

"But the words of section 21 limit the general words in section 20," he said, add-ing that a person is not excused from criminal liability as an idiot, imbedile or a lunatic except upon proof that at the time of the commission of the act he was laboring der such defect of reason as not to know

the nature and quality of the act and that was wrong. He then went back to murder in the first legree and said that the question of liberation and premeditation was left to the jury to decide. What might be deiberation and premeditation in one man night not be in another and no strict rule could be laid down.

could be laid down.
"If from the evidence," he said, "you decide that the killing was with design, but without premeditation and deliberation, then it is murder in the second degree. But if the killing was without design he could be convicted of manslaughter in either of its degrees.

White's Character Not at Issue "I have tried to impress on you that the character of the victim has nothing to do with this issue. A personal avenger of private or public wrong is not recognized by the law, and as this is the law of the Government of ours no other rule is safe. Every individual is entitled to the proall are entitled to the guardianship of the law. The general character of the victim cannot tend to show that the party is not guilty of homicide or be pleaded in mitiga-

tion thereof."

"The plea of not guilty," Justice FitzGerald said, "is a denial of every material allegation in the indictment, and under such a general denial insanity may be one of the defences. The law presumes sanity and when the defence is insanity the condition of the defendant's mind at the time of the commission of the event. the time of the commission of the crime

is a crucial point."

He carefully went over the law on insanity and said that it was not every weak and disordered mind that could be used as an excuse in law for the commission of a crime Nor was partial or incipient insanity an excuse. The law required that the de-fendant should have such a defect of reason that he did not understand the nature and quality of the act and that it was wrong.

Evelyn Nesbit Thaw's story was not admitted in evidence for the jury to pass on its truth or falsity or on the truth or falsity of any charge made against the deceased. It was simply for the purpose of determining what effect her story might have had on the defendant's mind. The question of her credibility was highly important and any testimony tending to im-peach it should be carefully considered. Her relations with Thaw should play an important part in weighing her story in its entirety and "such inferences as could be drawn from a scrutiny of her deep in terest in the case and the peril of her husband's position should be considered."

Thaw Presumed to Be Sane.

"The legal presumption," said Justice FitzGerald, "is that the defendant was sane when he committed the act and it was not necessary for the prosecution to show that he was not sane; sanity being the nor mal and usual condition of the community, the law presumes sanity. Hence, a prose-cutor may work on the presumption of sanity. Whoever denies it must prove insanity, the burden of overthrowing the presumption of sanity and of showing in sanity is upon the person who makes

allegation. Various lay witnesses, said the Court, have testified that at the time of the shooting Thaw was irrational and others have said that he was rational. The declarasaid that he was rational. The declara-tions made by the defendant were to be considered. The jurors were told that they were not bound to accept the opinions of the experts, but that they could con-sider them in conjunction with all the evidence in the case. It was not the quantity of the evidence but the quality that was to be considered and upon the whole evidence "you ara to determine for yourselves



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ound mind when he committed the act. "If the defendant knew the nature and quality of the act and that it was wrong

What Is a Reasonable Doubt? Justice FitzGerald then defined a reason-

nal cases.
"The prosecution," said Justice Fitz Gerald, "is not called upon to prove its case beyond all doubt. It is necessary for the prosecution to prove its case beyond a reasonable doubt. The law does not re-quire that the case must be proved beyond all doubt. That would be impossible, for the law recognizes that we are all human. The law says that the defendant is entitled

defendant was entitled to it. If there was a reasonable doubt of murder in the firs degree and no doubt of murder in the second degree then the jury should convict for mur-der in the second degree. The same was

der in the second degree. The same was true of the other degrees of homicide.

"You must decide this issue entirely on the evidence," said the Court. "You must conscientiously search for the truth, and clamor, prejudice or sympathy must not sway you. You are to be guided by your recollection of the evidence. Disregard all statements of counsel except those founded on the evidence." Justice FitzGerald said he had tried con-

"The defendant " he said solemnly "may be convicted of murder in the first degree nurder in the second degree, manslaughter in the first degree or manslaughter in the second degree. If acquitted on the ground of insanity, state that fact in your verdict.

Justice FitzGerald said that he had ceived a number of requests from Lawyers Delmas, flartridge and O'Reilly to charge. It appeared that these lawyers had tanded up some seventy-five requests. Justice FitzGerald charged none of them, saying that if he had not covered the ground in his formal charge he refused to grant the requests.

O'Reilly "You may retire, gentlemen," said Justice FitzGerald, and after eleven weeks the fate of Harry K. Thaw was with the jury

PROBLEM FOR EDISON.

He Will Devise Apparatus to Catch Dust From Cement Works Which Bothers Farmers. WEST ORANGE, N. J., April 10 .- When Thomas A. Edison returns from his summer

farmers in the vicinity of the works about the clouds of cement dust, carried some times six and eight miles, doing damage to farm lands, buildings and stock. Mr. Edison already has tackled the problem and some preliminary work has been done at the works. The dust catchers probably will be on top of the smokestacks, which

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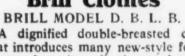
St. Julien Superior A Most Delicious Claret Price, Nine Dollars per Case

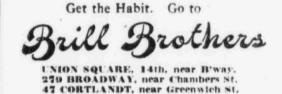
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e committed a crime," said Justice Fitz

able doubt, quoting the definition of reason able doubt laid down by Recorder Smytl which is so frequently employed in crim

to a reasonable doubt, not all doubt. That doubt, however, must arise, the Court said, out of the evidence and from nothing else. If such a doubt existed the

scientiously, as was his duty, to protect the interests of both the defendant and the He had tried to be fair and im

requests.
"We take an exception," said Lawyer

vacation he will devise a dust catcher for use at the Edison Cement Works at New Village. There has been complaint from

are sixty feet high.



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